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The following constitutes  
the order of the court. Signed December 03, 2010

  
Roger L. Efremsky  
U.S. Bankruptcy Judge

Attorney for Defendant  
JAVED WAHAB

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

In re:

Case No.: 08-41153 LT

JAVED WAHAB,

Chapter 7

Debtor.

HOWARD B. ALLAN,

Adversary No.: 08-04128

Plaintiff,

v.

JAVED WAHAB,

Defendant.

**ORDER GRANTING MOTION TO  
SET ASIDE DEFAULT AND  
DEFAULT JUDGMENT  
CONDITIONED UPON  
DEFENDANT'S PAYMENT OF  
PLAINTIFF'S FEES AND COSTS  
INCURRED TO OBTAIN AND  
ENFORCE DEFAULT  
JUDGMENT WITHIN 60 DAYS  
OF COURT ORDER**

On April 22, 2010, Defendant Javed Wahab's ("Defendant's") Motion to Set Aside Default and Default Judgment in Adversary Proceeding No. 08-04128-LT, came on regularly for hearing before the Honorable Leslie J. Tchaikovsky of the United States Bankruptcy Court. David M. Sternberg and Robert A. Miller of David M. Sternberg & Associates appeared for

1 Defendant. Joanne Wendell of Adleson, Hess & Kelly appeared for  
2 Plaintiff Howard Allan ("Plaintiff").

3 The Court, having read the moving papers and good cause  
4 appearing therefore and the reasons stated on the record,

5 IT IS HEREBY ORDERED:

- 6 1. The Court will set aside the Default and Default Judgment upon  
7 Defendant's payment of attorney fees and costs Plaintiff  
8 incurred to obtain and enforce the Default Judgment from  
9 October 11,2008;
- 10 2. The procedure for determining the amount Defendant should  
11 pay is as follows:
  - 12 a. By May 22, 2010, Plaintiff shall file a declaration of  
13 attorney's fees and costs incurred to obtain and  
14 enforce the Default Judgment from October 11,  
15 2008, and, any reply shall be filed by June 12,  
16 2010;
- 17 3. Defendant must pay the amount ordered by the Court within 60  
18 days. If Defendant pays the amount within 60 days of the  
19 Court's Order, the Default and Default Judgment will be set  
20 aside;
- 21 4. On May 20, 2010, an Order was entered pursuant to stipulation  
22 and agreement of the parties, through their attorneys of record,  
23 to extend the deadline to file Plaintiff's Declaration Regarding  
24 Attorneys' Fees and Costs for one week, from May 22,2010 to  
25 May 29, 2010; Defendant's Opposition to Declaration  
26 Regarding Attorneys' Fees and Costs for one week, from June  
27 5, 2010 to June12, 2010, and Plaintiff's Reply to Defendant's  
28 Opposition for one week, from June 12, 2010 to June 19, 2010;

1           5.     The Status Conference is continued to September 23, 2010 at  
2                 11:00 a.m. at United States Bankruptcy Court, Northern District  
3                 of California, 1300 Clay Street, 2<sup>nd</sup> Floor, Oakland California  
4                 94612 in Room 201.

5                         \*\*END OF ORDER\*\*  
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COURT SERVICE LIST

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